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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
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8 MARK G. MELLON,

No. C-06-0638 EMC

9 Plaintiff,

10 v.

**ORDER RE SUPPLEMENTAL  
BRIEFING AND/OR EVIDENCE**

11 MICHAEL J. ASTRUE,  
12 Commissioner of Social Security,

13 Defendant.  
14 \_\_\_\_\_/

15 William Kuntz, counsel for Plaintiff Mark Mellon, seeks an award of attorney's fees of  
16 \$3,962.25. No opposition or response to the motion was filed by Mr. Mellon himself. Defendant  
17 the Commissioner of Social Security filed a response that purportedly takes no position as to  
18 whether the requested fee is reasonable but notes certain factors for the Court's consideration.  
19 Having reviewed the parties' briefs and accompanying submissions, the Court hereby orders Mr.  
20 Kuntz to provide supplemental briefing and/or evidence to clarify the following.

21 (1) According to Mr. Kuntz, Mr. Mellon was awarded past-due benefits in the amount of  
22 \$43,849. Based on the exhibits attached to the Kuntz declaration, it is not clear how Mr. Kuntz  
23 arrived at this figure. The Court orders Mr. Kuntz to explain how he arrived at this figure.

24 (2) Mr. Kuntz has attached Exhibits 8 and 9 to his declaration but neither document is  
25 mentioned in his declaration. The Court orders Mr. Kuntz to authenticate the documents.

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1 Furthermore, with respect to Exhibit 9, it appears that Mr. Kuntz was awarded attorney fees for his  
2 representation of Mr. Mellon before the Commissioner pursuant to 42 U.S.C. § 406(a)(2). The  
3 Court orders Mr. Kuntz to clarify whether this is the case.

4 Mr. Kuntz shall respond by February 22, 2008.

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6 IT IS SO ORDERED.

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8 Dated: February 14, 2008

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11 EDWARD M. CHEN  
12 United States Magistrate Judge  
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